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Southern District of New York  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
Plaintiff,

- v. -

\$473,519.11 IN UNITED STATES  
CURRENCY FORMERLY ON DEPOSIT IN  
WELLS FARGO BANK ACCOUNT ENDING  
IN -1102 HELD IN THE NAME OF SHEYEN  
CONSTRUCT INC. SEIZED ON OR ABOUT  
MAY 9, 2022,

Defendant-*in-rem*.

**VERIFIED CIVIL  
COMPLAINT FOR  
FORFEITURE**

**23 Civ. \_\_\_\_\_**

Plaintiff United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, for its verified civil complaint, alleges, upon information and belief, as follows:

**JURISDICTION AND VENUE**

1. This action is brought pursuant to Title 18, United States Code, Section 981(a)(1)(C) by the United States of America seeking the forfeiture of \$473,519.11 in United States currency formerly on deposit in Wells Fargo Bank account ending in -1102 held in the name of Sheyen Construct Inc. (the "Defendant-*in-rem*");

2. This Court has original jurisdiction over this forfeiture action pursuant to Title 28, United States Code, Sections 1345 and 1355.

3. Venue is proper pursuant to Title 28, United States Code, Section 1395 because the Defendant-*in-rem* are currently held in the Seized Asset Deposit Fund Account of the United States Marshals Service (the “USMS”) located within the judicial district for the Southern District of New York. Venue is also proper pursuant to Title 28, United States Code, Section 1355 (b)(1)(A) because the acts and omissions giving rise to the forfeiture took place in the Southern District of New York.

4. As set forth below, there is probable cause to believe that the Defendant-*in-rem* is subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) as proceeds traceable to wire fraud in violations of Title 18, United States Code, Section 1343, or property traceable thereto.

#### **PROBABLE CAUSE FOR FORFEITURE**

5. This action arises out of an investigation conducted by the United States Secret Service (“USSS”), into a conspiracy to defraud victims via business email compromise (“BEC”) schemes and to launder the fraudulently acquired funds. A BEC scheme occurs when someone with payment authority receives a spoofed email containing fraudulent payment instructions, and based on the instructions, a payment is made to a fraudulent bank account or entity.

6. In or about May 2022, law enforcement officers began investigating one such business email compromise scheme (the “Scheme”). During the course of the investigation, law enforcement officials identified a bank account into which the proceeds of the Scheme were transferred or distributed. Specifically, on or about May 5, 2022, the Investigation received information from a victim, (“Victim-1”), who advised that Victim-1 was defrauded out of approximately \$222,373.50 on April 28, 2022 by wiring the funds to Wells Fargo account

number ending in 1102 in the name of Sheyen Construct Incorporated (the “Sheyen Account”) as a result of a business email compromise fraud.

7. The Investigation learned from Victim-1 the following information:

a. On April 28, 2022, Victim-1 received a check request form from their Accounts Payable team to create a wire transfer. The support for this request was an email from a company (“Company-1”) that provided bank information for wires Company-1 (the “Email”). Accounts Payable had called the number in the email for Company-1’s Accounts Receivable person (“Individual-1”) and verified the banking information was correct.

b. On Friday, April 29, 2022, Victim-1 received an email from their bank stating that the wire was returned because the beneficiary name and account title did not match.

c. Victim-1 contacted Individual-1 at the contact number that was listed in the Email, to confirm what the correct name of beneficiary should be. During this call Individual-1 advised he was going to send Victim-1 an email with the correct bank information (the “Sheyen Account Email”). Once Victim-1 received the Sheyen Account Email, they noticed the bank information was for a different bank and beneficiary, and subsequently called Individual-1 back. Individual-1 explained that the company “J. Squared” owned two other companies, “University Loft Company” and “Sheyen Build Up Inc.” Individual-1 confirmed the bank information received by email and Victim-1 wired \$222,373.50 to the Sheyen Account.

8. On Monday May 2, 2022, Victim-1 was contacted by Company-1’s sales representative to let them know that they still had not received payment. When Victim-1 spoke to the sales representative, the sales representative informed Victim-1 that Individual-1 told him that the information used to process the wire was incorrect. Victim-1 then asked the sales

representative to have Individual-1 call them at the office. Once Individual-1 called Victim-1, it was obvious that this was not the same person that Victim-1 had spoken with on Friday April 29, who had supposedly sent the Sheyen Account Email.

9. On May 5, 2022, a Special Agent with the USSS contacted a Wells Fargo Bank Investigator who advised the following:

a. On April 29, 2022, the account of Victim-1 wired funds to the Sheyen Account.

b. On the same day, the Sheyen Account received a wire transfer from a JP Morgan Chase account ending in -8327 held in the name of Victim-2 in the amount of \$473,519.11 (the "Victim-2 Account").

c. The Victim-2 Account was held in the name of Victim-2, with an address located in New York, New York 10176. This account has been opened since 2012 and appeared to the Investigation to be a legitimate business and may have fallen victim to a similar business email compromise scheme.

d. The signatory on the Sheyen Account was Sheyen F Perez Pinentel, located in Bronx, New York.

e. The account owner on the Sheyen Account withdrew funds on three different occasions, each time being a \$9,500 withdrawal which the Investigation believes to be structured withdrawals to avoid reporting requirements.

f. The Sheyen Account was frozen by Wells Fargo for potential fraud due to the recent date the account was opened (March 1, 2022) and the two large wire transfers (from Victim-1 and Victim-2) and that the activity on the Sheyen Account was minimal apart from the aforementioned wire transfers.

g. The investigator advised that approximately \$473,519.11 was frozen in the Sheyen Account due to this activity.

10. As a result of the above, a state seizure warrant was executed on or about May 5, 2022 for the contents of Sheyen Account authorizing the Government to seize the Defendant-*in-rem* as proceeds of the Scheme.

11. In or about June 2022, the USSS was contacted by Victim-2 and learned the following:

a. On or about April 26 and 27, 2022, the Chief Operating Officer of the Victim-2 (the “COO”) received emails from dunton@dsdlaw.com and jo1field@aol.com requesting a wire transfer of \$473,519.11 to be sent to Sheyen Build Up, Inc.

b. The emails were purportedly authored by an investor in Victim-2 (“Investor”) and her lawyer and registered investment advisor (“Attorney”).

c. On or about April 29, 2022, the COO, believing the emails to be genuine, processed the wire transfer request, causing \$473,519.11 to be sent from the Victim-2 Account to the Sheyen Account.

d. Over the weeks that followed, the COO received and processed five more requests for wire transfers from the Attorney.

e. On or about June 6, 2022, the COO became aware that the Attorney’s email had been compromised and that the Attorney and Investor had not, in fact, authored any of the emails requesting the foregoing wire transfers. The same day, the COO contacted the J.P. Morgan Fraud Department to initiate a fraud alert and recall all outstanding wires.

12. By this Complaint, the United States is now seeking the forfeiture of the

funds formerly held in the Sheyen Account, herein referred to as the Defendant-*in-rem*.

**CLAIMS FOR FORFEITURE**

**Forfeiture Under 18 U.S.C. § 981(a)(1)(C)  
(Property Constituting or Derived from Proceeds Traceable to a Violation of 18 U.S.C. §  
1343 or Property Traceable to Such Property)**

13. Paragraphs 1 through 11 of this Complaint are repeated and re-alleged as if fully set forth herein.

14. Pursuant to Title 18, United States Code Section 981(a)(1)(C), any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of any offense constituting “specified unlawful activity” as defined in section 1956(c)(7) of this title, or a conspiracy to commit such offense.

15. As set forth above, for purposes of Section 1956, “specified unlawful activity” includes wire fraud, in violation of 18 U.S.C. § 1343.

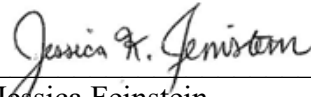
16. By reason of the foregoing, the Defendant-*in-Rem* is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) as property constituting or derived from proceeds traceable to a violation of Title 18, United States Code, 1343.

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendant-*in-rem* and that all persons having an interest in the Defendant-*in-rem* be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendant-*in-rem* to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
May 22, 2023

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
Attorney for the Plaintiff  
United States of America

By:

  
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**DECLARATION OF VERIFICATION**

PAUL SADLER, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that he is a Special Agent with the United States Secret Service; that he has read the foregoing Verified Complaint and knows the contents thereof; that the same is true to the best of his knowledge, information and belief; and that the sources of his information and the grounds of his belief are his personal involvement in the investigation, and conversations with and documents prepared by law enforcement officers and others.

Executed on May 8, 2023

A handwritten signature in black ink, appearing to read 'PSADLER', is written over a horizontal line.

PAUL SADLER  
Special Agent  
United States Secret Service